

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) 2:14-CR-347-HDM-(NJK)  
MARC ALAN KENNEDY, )  
Defendant. )

## **PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on April 14, 2015, defendant MARC ALAN KENNEDY pled guilty to Count One of a Two-Count Criminal Indictment charging him with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 28; Plea Agreement, ECF No. 27.

This Court finds defendant MARC ALAN KENNEDY agreed to the forfeiture of the property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Amended Bill of Particulars, ECF No. 25; Change of Plea, ECF No. 28; Plea Agreement, ECF No. 27.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars, the Amended Bill of Particulars and the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant MARC ALAN KENNEDY pled guilty.

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1       The following assets are (a) any visual depiction described in Title 18, United States Code,  
2 Section 225A, or any book, magazine, periodical, film, videotape, or other matter which contains any  
3 such visual depiction, which was produced, transported, mailed, shipped or received in violation of  
4 Title 18, United States Code, Section 2252A or (b) any property, real or personal, used or intended to  
5 be used to commit or to promote the commission of violations of Title 18, United States Code, Section  
6 2252A or any property traceable to such property:

- 7       1. Toshiba external hard drive (serial #H2MISYCWSRES);
- 8       2. 2 USB drives;
- 9       3. Seagate hard drive (serial #9QM6AKZL);
- 10      4. Eight (8) CD/DVDs;
- 11      5. HTC cell phone (unreadable serial number);
- 12      6. AT&T LG cell phone (serial #004CQRN943702);
- 13      7. Sony micro-SD card;
- 14      8. USB drive (black);
- 15      9. Quantum hard drive (30GB);
- 16      10. Mini CD;
- 17      11. Seventeen (17) CD/DVDs;
- 18      12. HP laptop (serial #5CG34758H5);
- 19      13. Dell PC tower (serial #011M002);
- 20      14. Western Digital 200GB hard drive (serial #WCAL77884135) removed from  
21            Gateway PC tower (serial #CCH62);
- 22      15. Western Digital 250GB hard drive (serial #WCANKL911162) removed from Dell  
23            PC tower (serial #GVYW1);
- 24      16. SanDisk Cruzer USB drive;
- 25      17. SanDisk media card;
- 26      18. Western Digital hard drive (serial #WXG1AA3E5085);

1                   19. Blue Gateway model #EG70 (serial #NXY33AA01540300EBD7204); and  
2                   20. Samsung digital camera (serial #A9RVC9AF6006BPM) with inserted media card.  
3 (all of which constitutes “property”).

4                   This Court finds the United States of America is now entitled to, and should, reduce the  
5 aforementioned property to the possession of the United States of America.

6                   NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
7 United States of America should seize the aforementioned property.

8                   IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
9 MARC ALAN KENNEDY in the aforementioned property is forfeited and is vested in the United  
10 States of America and shall be safely held by the United States of America until further order of the  
11 Court.

12                   IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
13 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
14 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the  
15 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
16 name and contact information for the government attorney to be served with the petition, pursuant to  
17 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

18                   IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
19 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
20 the validity of the petitioner’s alleged interest in the property, which petition shall be signed by the  
21 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and  
22 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner’s  
23 right, title, or interest in the forfeited property and any additional facts supporting the petitioner’s  
24 petition and the relief sought.

25                   IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
26 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than

1 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
2 after the first day of the publication on the official internet government forfeiture site,  
3 www.forfeiture.gov.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
5 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
6 following address at the time of filing:

7 Michael A. Humphreys  
8 Assistant United States Attorney  
9 Daniel D. Hollingsworth  
10 Assistant United States Attorney  
11 Lloyd D. George United States Courthouse  
12 333 Las Vegas Boulevard South, Suite 5000  
13 Las Vegas, Nevada 89101.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
15 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
16 following publication of notice of seizure and intent to administratively forfeit the above-described  
17 property. IT IS SO ORDERED.

18 DATED this <sup>16<sup>th</sup> day of April, 2015.</sup>

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20 UNITED STATES DISTRICT JUDGE,  
21 Howard D. McKibben  
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